



March 25, 2015

ENGROSSED HOUSE BILL No. 1145

DIGEST OF HB 1145 (Updated March 23, 2015 12:12 pm - DI 106)

Citations Affected: IC 25-22.5; IC 34-6; IC 34-30.

Synopsis: Civil immunity for volunteer health care providers. Specifies criteria for civil immunity from liability for certain volunteer health care providers. Requires the medical licensing board to establish and maintain: (1) a process for the approval of locations at which volunteer health care services may be provided; and (2) a health care volunteer registry. Provides that an approval of a location where the provision of health care services in which a provider may be immune from civil liability is valid for up to two years. Requires a person who meets the criteria for immunity from civil liability to provide a certain records and results of laboratory and imaging based screenings and tests to the patient. Requires that a person that provides the location where the health care service is provided do so without compensation as a condition of immunity. Allows a person that provides a health care service to provide recommendations for testing.

Effective: July 1, 2015.

**Frizzell, Zent, Washburne, Huston,
Smith V, Koch, Bauer, Steuerwald**

(SENATE SPONSORS — MILLER PATRICIA, RAATZ, MILLER PETE,
FORD)

January 8, 2015, read first time and referred to Committee on Judiciary.
February 17, 2015, amended, reported — Do Pass.
February 23, 2015, read second time, amended, ordered engrossed.
February 24, 2015, engrossed. Read third time, passed. Yeas 91, nays 0.

SENATE ACTION

March 2, 2015, read first time and referred to Committee on Civil Law.
March 24, 2015, amended, reported favorably — Do Pass.

EH 1145—LS 6699/DI 97



March 25, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1145

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-22.5-15 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2015]:
- 4 **Chapter 15. Health Care Volunteer Registry**
- 5 **Sec. 1. The board shall establish and maintain an electronic**
- 6 **health care volunteer registry of:**
- 7 **(1) persons who intend to provide a health care service as**
- 8 **described in IC 34-30-13-1.2; and**
- 9 **(2) locations at which the provision of a health care service**
- 10 **described in IC 34-30-13-1.2 is determined by the board to be**
- 11 **appropriate.**
- 12 **Sec. 2. A determination of appropriateness described in section**
- 13 **1(2) of this chapter is valid for not more than two (2) years.**
- 14 **Sec. 3. A registration of a:**
- 15 **(1) person with an active license described in IC 34-30-13-1.2;**

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1 **or**
 2 **(2) location;**
 3 **as described in section 1 of this chapter is valid for not more than**
 4 **two (2) years.**

5 **Sec. 4. The board shall adopt rules under IC 4-22-2 to**
 6 **implement this chapter.**

7 SECTION 2. IC 34-6-2-55, AS AMENDED BY P.L.77-2012,
 8 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2015]: Sec. 55. (a) "Health care services":

10 **(1) except as provided in subdivision (2), for purposes of**
 11 **IC 34-30-13, has the meaning set forth in IC 27-13-1-18(a); and**
 12 **(2) for purposes of IC 34-30-13-1.2, means only noninvasive**
 13 **examinations, treatments, and procedures and the following**
 14 **invasive procedures:**

15 **(A) Routine dental services.**

16 **(B) Injections.**

17 **(C) Suturing of minor lacerations.**

18 **(D) Incisions of boils or superficial abscesses.**

19 **The term does not include performance of an abortion,**
 20 **including abortion by surgical means, by use of an abortion**
 21 **inducing drug, or by prescribing a controlled substance or**
 22 **scheduled drug under IC 35-48.**

23 (b) "Health care services", for purposes of IC 34-30-13.5, means:

24 (1) any services provided by an individual licensed under:

25 (A) IC 25-2.5;

26 (B) IC 25-10;

27 (C) IC 25-13;

28 (D) IC 25-14;

29 (E) IC 25-22.5;

30 (F) IC 25-23;

31 (G) IC 25-23.5;

32 (H) IC 25-23.6;

33 (I) IC 25-24;

34 (J) IC 25-26;

35 (K) IC 25-27;

36 (L) IC 25-27.5;

37 (M) IC 25-29;

38 (N) IC 25-33;

39 (O) IC 25-34.5; or

40 (P) IC 25-35.6;

41 (2) services provided as the result of hospitalization;

42 (3) services incidental to the furnishing of services described in



subdivisions (1) or (2);

(4) any services by individuals:

(A) licensed as paramedics;

(B) certified as advanced emergency medical technicians; or

(C) certified as emergency medical technicians under IC 16-31-2;

(5) any services provided by individuals certified as emergency medical responders under IC 16-31-2; or

(6) any other services or goods furnished for the purpose of preventing, alleviating, curing, or healing human illness, physical disability, or injury.

SECTION 3. IC 34-30-13-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.2. (a) Except as provided in section 2 of this chapter, a person who meets each of the following criteria is immune from civil liability resulting from any act or omission related to the provision of a health care service:**

(1) Is licensed as any of the following:

(A) A physician under IC 25-22.5.

(B) A physician assistant under IC 25-27.5.

(C) A dentist under IC 25-14.

(D) A nurse under IC 25-23.

(E) An advanced practice nurse (as defined in IC 25-23-1-1(b)) who is licensed under IC 25-23.

(F) An optometrist under IC 25-24.

(G) A podiatrist under IC 25-29.

(2) Provides the health care service:

(A) voluntarily;

(B) to another individual;

(C) without compensation;

(D) within the scope of the person's license described in subdivision (1); and

(E) at a location that is determined to be appropriate and listed on the health care volunteer registry under IC 25-22.5-15.

(3) Notifies, before providing the health care service:

(A) the individual receiving the health care service; or

(B) the person who is legally responsible for the care of the individual receiving the health care service;

that the person providing the health care service is immune from civil liability in relation to the provision of the health care service.



(4) Obtains the signature of:

(A) the individual receiving the health care service; or

(B) the person who is legally responsible for the care of the individual receiving the health care service;

on a waiver that states the person providing the health care service is immune from civil liability in relation to the provision of the health care service.

(5) Is listed on the health care volunteer registry under IC 25-22.5-15.

(b) The immunity provided under this chapter applies to:

(1) dental services provided in a dental office; and

(2) health care services that are provided in a setting other than:

(A) a physician's office;

(B) an entity licensed or certified by the state department of health;

(C) a health care facility, including a facility that receives federal funding; or

(D) any other permanent facility in which the primary purpose is to provide health care services.

(c) A sponsoring organization, owner, operator, lessor, or lessee:

(1) of a location described in subsection (a)(2)(E); and

(2) that:

(A) permits a person described in subsection (a) to provide a health care service at the location as described in this section; and

(B) receives no compensation for permitting the provision of the health care service as described in clause (A);

is immune from civil liability resulting from an act or omission related to the provision of the health care service.

(d) A person who provides a health care service as described in this section may recommend laboratory and imaging based screenings and tests, and provide a record of the recommendation, to:

(1) the individual receiving the health care service; or

(2) the person who is legally responsible for the care of the individual receiving the health care service.

SECTION 4. IC 34-30-13-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.3.** Except as provided in section 2 of this chapter, a person who meets the criteria listed for immunity from civil liability in section 1.2 of this chapter must:



(1) provide a record of all laboratory and imaging based screenings and tests performed by a person described in section 1.2 of this chapter as part of a health care service to:

(A) an individual receiving health care service; or

(B) a person who is legally responsible for the care of the individual receiving the health care service;

upon completion of the health care service; and

(2) provide the results of all laboratory and imaging based screenings and tests performed by a person described in section 1.2 of this chapter as part of a health care service to:

(A) an individual receiving the health care service; or

(B) a person who is legally responsible for the care of the individual receiving the health care service;

upon the request of the individual receiving the health care service or the person who is legally responsible for the individual receiving the health care service.

SECTION 5. IC 34-30-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A person **who provides health care services** as described in ~~section 1~~ of this chapter is not immune from civil liability if the damages resulting from the provision of the health care services resulted from the person's gross negligence or willful misconduct.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1145, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "12." insert **"(a)"**.

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"(b) An approval of a location under subsection (a)(1) is valid for up to two (2) years."

Page 2, line 2, delete ", including" and insert **"and"**.

Page 2, line 3, delete "following:" and insert **"following noninvasive procedures:"**.

Page 2, line 9, delete "or" and insert **", "**.

Page 2, line 10, delete "drug." and insert **"drug, or by prescribing a controlled substance or scheduled drug under IC 35-48."**

Page 3, line 29, after "(4)" insert **"Obtains the signature of:**

(A) the individual receiving the health care service; or

(B) the person who is legally responsible for the care of the individual receiving the health care service;

on a waiver that states the person providing health care services is immune from civil liability in relation to the provision of the health care services.

(5)".

Page 3, line 31, after "(b)" insert **"The immunity provided under this chapter applies to:**

(1) dental services provided in a dental office; and

(2) health care services that are provided in a setting other than:

(A) a physician's office;

(B) an entity licensed or certified by the state department of health;

(C) a health care facility, including a facility that receives federal funding; or

(D) any other permanent facility in which the primary purpose is to provide health care services.

(c)".

Page 3, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 4. IC 34-30-13-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.3. Except as provided in section 2 of this chapter, a person who meets the criteria listed for



immunity from civil liability in section 1.2 of this chapter must:

(1) provide a record of all laboratory and imaging based screenings and tests performed as part of a health care service to:

(A) an individual receiving health care service; or

(B) a person who is legally responsible for the care of the individual receiving the health care service;

upon completion of the health care service; and

(2) provide the results of all laboratory and imaging based screenings and tests performed as part of a health care service to:

(A) an individual receiving health care service; or

(B) a person who is legally responsible for the care of the individual receiving the health care service;

upon the request of the individual receiving the health care service or the person who is legally responsible for the individual receiving the health care service."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1145 as introduced.)

STEUERWALD

Committee Vote: yeas 10, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1145 be amended to read as follows:

Page 2, line 5, delete "noninvasive" and insert "**invasive**".

Page 3, between lines 15 and 16, begin a new line double block indented and insert:

"(F) An optometrist under IC 24-24."

Page 3, line 36, after "providing" insert "**the**".

Page 3, line 37, delete "services" and insert "**service**".

Page 3, line 38, delete "services" and insert "**service**".

Page 4, line 32, after "receiving" insert "**the**".

(Reference is to HB 1145 as printed February 17, 2015.)

FRIZZELL



COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred House Bill No. 1145, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 12, begin a new paragraph and insert:

"SECTION 1. IC 25-22.5-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 15. Health Care Volunteer Registry

Sec. 1. The board shall establish and maintain an electronic health care volunteer registry of:

- (1) persons who intend to provide a health care service as described in IC 34-30-13-1.2; and**
- (2) locations at which the provision of a health care service described in IC 34-30-13-1.2 is determined by the board to be appropriate.**

Sec. 2. A determination of appropriateness described in section 1(2) of this chapter is valid for not more than two (2) years.

Sec. 3. A registration of a:

- (1) person with an active license described in IC 34-30-13-1.2;**
- or**
- (2) location;**

as described in section 1 of this chapter is valid for not more than two (2) years.

Sec. 4. The board shall adopt rules under IC 4-22-2 to implement this chapter."

Page 3, line 16, delete "IC 24-24." and insert "**IC 25-24.**".

Page 3, between lines 16 and 17, begin a new line double block indented and insert:

"(G) A podiatrist under IC 25-29."

Page 3, line 23, delete "approved by" and insert "**determined to be appropriate**".

Page 3, line 24, delete "maintained".

Page 3, line 25, delete "IC 25-1-5-12." and insert "**IC 25-22.5-15.**".

Page 3, line 40, delete "maintained".

Page 3, line 41, delete "IC 25-1-5-12." and insert "**IC 25-22.5-15.**".

Page 4, line 13, after "that" insert ":

(A)".

Page 4, line 15, after "," insert "**and**

(B) receives no compensation for permitting the provision of the health care service as described in clause (A);".



Page 4, between lines 17 and 18, begin a new paragraph and insert:
"(d) A person who provides a health care service as described in this section may recommend laboratory and imaging based screenings and tests, and provide a record of the recommendation, to:

- (1) the individual receiving the health care service; or**
- (2) the person who is legally responsible for the care of the individual receiving the health care service."**

Page 4, line 24, after "performed" insert **"by a person described in section 1.2 of this chapter"**.

Page 4, line 31, after "performed" insert **"by a person described in section 1.2 of this chapter"**.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1145 as reprinted February 24, 2015.)

ZAKAS, Chairperson

Committee Vote: Yeas 7, Nays 0.

